

## SHER TREMONTE LLP

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 9-27-12

September 27, 2012

## BY FACSIMILE

Honorable P. Kevin Castel  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

MEMO ENDORSED

Re: In re Bank of Am. Corp. Sec., Derivative & ERISA  
Litig., 09-MD-2058 – Relating to 12-cv-5210 (PKC)

Dear Judge Castel:

We represent plaintiffs Dr. Salomon Melgen, Flor Melgen and SFM Holdings Limited Partnership in the above-captioned case. We write to request an additional week, until next Friday, October 5, 2012, to respond to defendants' September 13, 2012 letter requesting a pre-motion conference for defendants' intended motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6), 9(b) and 23.1. Counsel for defendants consents to this request.

Respectfully Submitted,

Michael Tremonte  
Justin M. Sher

cc: Paul J. Lockwood, Esq.  
Scott D. Musoff, Esq.